has considered and confirmed the Attorney General, the Deputy Attorney General, the Solicitor General, the Assistant Attorney General in charge of the Criminal Division, the Assistant Attorney General in charge of the Civil Rights Division, the Assistant Attorney General in charge of the Antitrust Division, the Assistant Attorney General in charge of the Office of Legislative Affairs, the Assistant Attorney General in charge of Policy Development, and other key officials within the Department of Justice, as well as the Commissioner of the INS and, today, the Administrator of the Drug Enforcement Administration.

I hope we can move very quickly on the Director of the FBI.

We have not received the nomination yet for the No. 3 job at the Department of Justice, the Associate Attorney General. We have not yet received the nomination of someone to head the U.S. Marshals Service. Even though we are about to go into an August recess, we have not received a single nomination for any of the 94 U.S. marshals who serve in districts within our States. We have only received a handful of nominations for the 93 U.S. attorney positions that are in districts within our States.

So there is a lot to be done. And it will be done if we work together, and not if we have people come and give statements on the floor, or elsewhere, that are not factual because, unfortunately, as somebody once said, those pesky little facts get in the way. And these are the facts. There is no time, in the 25 years I have been in the Senate Judiciary Committee, that I have seen so many nominees move in a 3-week period in the middle of the year.

Madam President, I yield the floor.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2002—Continued

The PRESIDING OFFICER. There is an order for the recognition of the Senator from California at this time.

The Senator from California.

AMENDMENT NO. 1219 TO AMENDMENT NO. 1214

Mrs. BOXER. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself, Mr. NELSON of Florida, and Mr. BIDEN, proposes an amendment numbered 1219 to amendment No. 1214.

At the appropriate place, add the following:

SEC. . The Administrator of the Environmental Protection Agency, pursuant to the Safe Drinking Water Act, shall immediately put into effect a new national primary drinking water regulation for arsenic that—

(1) establishes a standard for arsenic at a level providing for the protection of the population in general, fully taking into account those at greater risk, such as infants, children, pregnant women, the elderly and those with a history of serious illness; and

(2) lifts the suspension on the effective date for the community right to know requirements included in the national primary drinking water regulation for arsenic published on January 22, 2001, in the Federal Register (66 Fed. Reg. 6976).

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I have an amendment now pending before the Senate. I am very proud of this amendment. I have offered it on behalf of myself and Senator NELSON of Florida, and Senator BIDEN, and many other Senators who are very supportive of this amendment.

The reason I had the clerk read the amendment in its entirety is because it is written in plain English and is very straightforward.

Essentially it says that the Administrator for the Environmental Protection Agency shall immediately put into effect a new standard, a new primary drinking water regulation for arsenic that will, in essence, protect our people from arsenic in their drinking water. The second part says that we will lift the suspension on the effective date for the community right-to-know mailers that were supposed to go out, letting people know how much arsenic is in their water.

I hope all of us will agree, people have a right to know that.

I want to talk a little bit about how this amendment came to be today, how we got on this road. Frankly, we should not be here. In the last administration, they set a new level for arsenic in water at 10 parts per billion. It was going to go into effect, and then this administration suspended it.

What we are doing in our amendment today is not even saying go back to 10. I certainly hope they go to 5. But notwithstanding that, we just say: Put a new standard in place because the standard that is in place, as I talk to you tonight, is 50 parts per billion. We need to move this forward.

Let me explain why this happened. I know I have 30 minutes. Will the Chair let me know when I have gone on for 15?

I thank the Chair.

What we see on this green chart is what this Senate passed last year in this very same bill. It said: The Administrator shall promulgate a national primary drinking water regulation for arsenic not later than June 22, 2001. What happened? It didn't happen. They repealed the Clinton standard and went back to the 50 parts per billion standard which everyone agrees is way too high to drink our water in a safe fashion. This date slipped.

In essence, we have a situation where the Congress said to the President: You shall do this. The President signed this. This was President Clinton. This was the law of the land. And yet the date slipped.

I want to get into the reasons why this is so important, beyond the fact that we have gone back to the old standard and the President, in my view, did not have the right to do that.

This is a chart I actually got from the House side where the House has passed a very strong arsenic amendment, even stronger than what we have before us. What you see on this chart is, the darker the red dot, the more arsenic in the water. You can see that there is virtually arsenic in almost all our States. There are some that are fortunate. They don't have it. But there is a huge amount of arsenic around the country.

Why is this important? I know intuitively people would say arsenic is bad. We know that intuitively. But it is more than intuition. It is science. It is lots and lots of science. I want to put that on the record tonight.

There is a Dartmouth study that came out in March of 2001: Arsenic Disrupts Critical Hormone Functions. That is what this study showed. It doesn't say ''it may.'' It doesn't say ''it might.'' It says it does. It disrupts critical hormone functions. What does this mean to us? It means increased risk of diabetes, increased risk of cardiovascular disease, increased risk of cancer.

When we throw up our hands and we say, did you ever believe how much diabetes there is, how much cancer there is, what are the answers? We are starting to get the answers. Science is giving us the answers. This is one of the answers.

Here is another one, another study, Chemical Research in Toxicology, an EPA study completed April 2001. They say: There is a direct link between arsenic and DNA damage. They didn't say there ''may be.'' They didn't say ''perhaps.'' They said there is. What does this mean to us? Increased risk of cancer, and no level of arsenic is completely safe.

That is why the second part of our amendment is so crucial because it is the community's right to know. When you go to your mailbox under this part of the amendment, you will find out once a year how much arsenic is in your water.

Here is another scientific study, done in Taiwan, very well respected, it appeared in the American Journal of Epidemiology. This is what they found: Compared to the general population, people who drink water with arsenic levels between 10.1 parts per billion and 50 parents per billion are twice as likely to get certain urinary cancers. It doesn't say ''maybe'' they are twice as likely. What does this mean? The U.S. drinking water standard for arsenic must be immediately set at the lowest possible level.

That is what the Boxer-Nelson-Biden-Corzine amendment et al does.

Let's look at the countries and the different levels they have of arsenic in their water. This is very instructive.

This is an important chart because it shows where the countries of the world are in terms of arsenic levels in their water. What we find is the one with the least arsenic allowed happens to be Australia. That is 7 parts per billion. Then we go to the European Union where it is 10 parts per billion. Japan is 10 parts per billion. The World Health Organization is 10 parts per billion. Then you get up to where President Bush put us when he suspended the Clinton standard of 10. The Clinton standard of 10 was with the European Union and Japan and the WHO. But now we are with Bangladesh, Bolivia, China, India, and Indonesia. This is not where we want to be, I say to my friends. This is an amazing place for us to be as a nation that is the leader in science and technology and health care. So this is wrong on its face.

Let's look at the cancer numbers pretty specifically. I have saved time for all my friends who are here. I said before that there is no safe level of arsenic in drinking water. We know that to be the case. But what we are trying to do is at least get a level that is achievable that we can accomplish and we can take credit for and get it done.

If you look at this chart, it is kind of chilling. If you look at where we are on the Bush standard—50 parts per billion—1 in 100 of us will get cancer if we drink out of that water supply at 50 parts per billion. That is the Bush law right now. At 20 parts per billion, the cancer risk goes down to 1 in 250 people. At 10 parts per billion, it is 1 in 500. You are not altogether safe there either, but it is a lot better than the 50 parts per billion, which is 1 in 100. If you go to 3 parts per billion, the risk goes down more. I think this is very important.

Let me tell you what one of the water districts is saying about this. It is the American Waterworks Association, the California-Nevada section. These are people who, you would think, would be fighting us, would not want to invest in getting the arsenic out of the water. They say:

While the standard is in limbo—

By that they mean the Clinton standard was suspended and we have no new standard; it went back to the old standard of 50.

They say:

the enforcement deadlines are not. Now the systems affected are facing an unrealistic time line for compliance, which creates a handicap in meeting this critical health goal.

They are upset that they have no number, they have no goal they have to reach. It makes it harder and harder for them to take action. By the way, they did endorse the 10 parts per billion level.

In closing this part before I save a little time at the end, let me again say what happened when George Bush became President. A lot happened, but on this issue this is what happened. He took this little ''suspended'' stamp and suspended the 10 parts per billion standard that President Clinton had put in place after lots of scientific study. He also suspended—in some ways, to me, this is even worse. He suspended the community right to know. So not only did he suspend the Clinton standard at 10 parts per billion, but he suspended the Clinton community right-to-know provision that said if you live in a community—a rural community, an urban community, a farm community—you have the right to know if you have arsenic in your water, because if you have a baby in the house and that arsenic is up there at 30, 40, 50 parts per billion, watch out. If someone is sick with cancer, or AIDS, or has any type of heart condition, watch out. So he suspended everything good when it came to these rules.

It is time we do something very good tonight. I have some good feelings about the response we are getting to this amendment. I am hoping for an overwhelming vote.

I ask the Chair how much time I have remaining on my side.

The PRESIDING OFFICER. The Senator has 18½ minutes.

Mrs. BOXER. May I ask the Senator, would he like to take some time or are my colleagues under a rush?

Mr. NELSON of Florida. Yes.

Mrs. BOXER. If I might propose that we hear from Senator NELSON of Florida for 3 minutes, and then we will go over to Senator DOMENICI for as much time as he wants to use. Is that fair?

Mr. DOMENICI. Madam President, we have 30 minutes. The way I look at it, we don't need the entire 30 minutes. If you can do with less, we can vote sooner.

Mrs. BOXER. I doubt it. I will try. Everybody here wishes to speak.

Mr. DOMENICI. That is fine. I thank the Senator.

Mrs. BOXER. I yield to Senator NELSON for 3 minutes.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Madam President, I may need another couple of minutes.

I thank you for this opportunity to support the Boxer amendment. This is just a lot of common sense. You have seen all of the technical and scientific statements that have been made about why it is important to reduce the level of arsenic in drinking water.

We have recently, in Florida, encountered another aspect of arsenic poisoning which has brought this particular element to the forefront of Floridians' minds. It is the fact of arsenic-treated wood—the wood being used for playground equipment. And now we are having so many of our cities and our counties closing the playgrounds because when the rains come, it leeches through the arsenic-treated wood onto the playground soil, and in many cases local health departments have determined that that is unsafe for children. Yet everyone is really in confusion as to what is safe and what is unsafe. The EPA was not even going to complete that study until 2003. We urged them to speed it up. They promised that by this June they would have their study done, and now they have delayed it on into the fall.

In the meantime, local governments have closed playgrounds. Some of them have reopened the playgrounds, not knowing whether this poison, known as arsenic, used in treating the wood—and it was never known that it would be a problem—whether or not this is a hazard to our children's health in the soil of those playgrounds.

I tell you this story because this is on the minds of a lot of Floridians right now. As we come to a question of what is the safe level of arsenic in drinking water, as Senator BOXER has said over and over, EPA has stated that arsenic is dangerous. They have classified it as a known carcinogen. They have said over a long period of time that we ought to be studying this. As a matter of fact, in 1962 the U.S. Public Health Service recommended decreasing the 50 parts per billion standard to 10 parts per billion.

The PRESIDING OFFICER. The Senator has used 3 minutes.

Mr. NELSON of Florida. May I have an additional minute?

Mrs. BOXER. Absolutely. I yield an additional minute.

Mr. NELSON of Florida. I can't say everything I want to say in 1 minute. Let me conclude by saying that if ever there was something having to do with common sense, and you have all of this scientific evidence behind you that says we ought to reduce the standard from 50 to 10 parts per billion, then we as stewards of the public trust ought to act on that. So, Madam President, that is why I stand and strongly advocate that our colleagues vote for this amendment. I am pleased to join Senator BOXER as a sponsor of the amendment.

Mrs. BOXER. Madam President, I yield 3 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. I thank the Senator from California. I will try not to take the whole 3 minutes.

If there is one thing that got the attention of the American people, of everything that has happened in the last 7 months, it is this issue. Why? The only thing I have ever seen that every Conservative, Liberal, Democrat, Republican, Socialist, Communist, Fascist—anybody who has a water tap in

America—agrees upon, it is they fully expect, above all else, when they turn on their water tap, the water they are about to consume or give to their children is healthful, not harmful.

We can argue about 50 parts per billion, 10 parts per billion. This has been a revelation to the vast majority of the American people who do not already have water that is being held to the highest standard. We do not have to say anything back to folks in Delaware other than that our standards are the same as Bangladesh, lower than Europe.

This is not complicated. The science sustains the position that was taken. This was not arrived at. We are not even dictating 10 parts per billion in this amendment. We both wish we were, but we are not even doing that.

I conclude my very brief comments by saying my State of Delaware is not known as some liberal bastion. We are the corporate State of America. The legislature in my State of Delaware passed a law which says water coming out of the taps in Delaware can be no less than 10 parts per billion.

To those who do not like this amendment, get ready to explain it at home.

I compliment the Senator. She is dead on. This is one issue that every single constituent I know, unless they own a mining company, supports.

Mrs. FEINSTEIN. Madam President, I rise in support of Senator Boxer's amendment to establish once and for all a protective standard for arsenic in our Nation's drinking water.

As most of my colleagues know, I have had a longstanding interest in cancer. For me this fight is a personal one.

I lost my father and my husband to cancer. My current husband, Richard, lost both his parents to cancer. And I have lost a host of dear friends to this terrible disease.

With cancer, you're never the same after experiencing this with a loved one. You're determined to do something about it.

This is the major reason I was extremely disappointed when the current administration, soon after taking office, postponed the implementation of Environmental Protection Agency's (EPA) new drinking water standard for arsenic earlier this year.

Arsenic has long been know as a carcinogen, a substance that produces cancer, and yet the current administration shelved the new rule in 58 days flat.

Administration officials explained that the reason for this postponement was to allow for additional scientific review. I find this position difficult to comprehend when one considers how much scientific review has gone into this ruling.

The Federal Government has studied arsenic for almost 40 years.

In fact, few government environmental decisions have been more thoroughly researched, over so many years, than the EPA's move to lower the allowable level of arsenic in drinking water from 50 parts per billion (ppb) to 10 ppb.

This standard was first proposed by the U.S. Public Health Service back in 1962. Over the next three decades, regulators weighed dozens of studies on the issue as they struggled to balance the health risks, which mostly include increased risk of cancer, with the costs of extracting the metal from drinking water.

We should take note of a recent report by the National Academy of Sciences. In this report the Academy concluded that the arsenic standard for drinking water of 50 ppb, set in 1942 before arsenic was known to cause cancer, ''does not achieve EPA's goal for public health protection and, therefore, requires downward revision as promptly as possible.''

In fact, the Academy reported that drinking water at the current EPA standard of 50 ppb ''could easily'' result in a total fatal cancer risk of 1 in 100 about 10,000 times higher than the cancer risk EPA allows for carcinogens in food.

And we should remember that children's increased exposures to environmental carcinogens, such as arsenic, are potentially even more serious.

Children's higher risk results from the fact that they breath more air, drink more water and eat more food per pound than do adults; for example, a child in the first six months of life consumes seven times as much water per pound of body weight as does the average American adult.

Therefore, a carcinogen has a much more significant impact on a child.

There are over 70,000 chemicals in common use today in the United States and several dozen known carcinogens, according to the Environmental Protection Agency.

Rachel Carson warned us in 1962, ''For the first time in the history of the world, every human being is now subjected to contact with dangerous chemicals, from the moment of conception until death.''

For those dangerous chemicals which we have the ability to limit from human exposure, such as arsenic in drinking water, we should absolutely take the necessary steps to do so.

Mr. DORGAN. Madam President, I rise today in support of this amendment. The current standard for acceptable arsenic levels in drinking water was established in 1942 and, as early as 1962, recommendations were made by the U.S. Public Health Service that the 50 parts per billion standard should be changed. The science indicates that at 50 parts per billion (ppb), the cancer risk from arsenic is 1-in-100. EPA regulations are supposed to regulate to a 1-in-10,000 arsenic risk.

Today's amendment simply directs the administration to put a new standard into effect immediately and gives communities the right to know the arsenic levels in their drinking water.

However, I am concerned about the potential impacts that reducing the level of arsenic in drinking water might have on small or rural communities, like many in my home State of North Dakota. North Dakota has approximately 35 communities that might be especially hard hit by a more stringent arsenic in drinking water standard. That is why I am a cosponsor of legislation sponsored by Senator REID that would increase funding for small communities to help treat drinking water systems for arsenic and other contaminants. I am pleased that Senator JEFFORDS has committed to examine these critical funding issues in conjunction with providing his support for today's amendment.

The World Health Organization and the European Union have adopted a 10 parts per billion standard. Even if the United States does not adopt a 10 parts per billion, at 50 parts per billion, the United States' arsenic standard is on par with that of Bahrain, Bolivia, Egypt, Indonesia, Oman, China, and India.

Countries who have adopted a 10 parts per billion standard include: the entire European Union (in 1998), Laos (in 1999), Syria (in 1994), Namibia, Mongolia (in 1998), and Japan (in 1993). Australia has had a 7 parts per billion standard since 1996. As I said, it is time to move in the direction of a safer, more protective, standard.

While arsenic levels may fluctuate over time, what is most significant from the standpoint of cancer risk is long-term exposure. Studies have linked long-term exposure to arsenic in drinking water to cancer of the bladder, lungs, skin, kidney, nasal passages, liver, and prostate. Noncancer effects of ingesting arsenic include cardiovascular, pulmonary, immunological, neurological, and endocrine (e.g., diabetes) effects. Short-term exposure to high doses of arsenic can cause other adverse health effects, but such effects are unlikely to occur from U.S. public water supplies that are in compliance with the existing arsenic standard of 50 ppb.

A March 1999 report by the National Academy of Sciences concluded that the current standard does not achieve EPA's goal of protecting public health and should be lowered as soon as possible, according to the EPA.

So, we should act immediately to adopt a new standard, as this amendment would require. We also must provide funding that is critical to accomplishing this goal.

Mr. BAUCUS. Madam President, I want to state for the record that I fully recognize the importance of ensuring that all Americans have safe and clean drinking water. As the ranking member of the Environment and Public